

Committee Room,
Austin, Texas, November 6, 1934.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 53, A bill to be entitled
"An Act making an appropriation to
pay deficiency claims accruing in the
State Banking Department during the
fiscal year ending August 31, 1934,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

EIGHTEENTH DAY

(Wednesday, November 7, 1934)

The House met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the follow-
ing Members were present:

Mr. Speaker.	Fuchs.
Aikin.	Glass.
Alexander.	Golson.
Alsup.	Good.
Anderson.	Goodman.
Atchison.	Graves.
Baker.	Greathouse.
Barrett.	Griffith.
Barron.	Hankamer.
Beck.	Harman.
Bergman.	Harris.
Bourne.	Harrison.
Bradley.	Hartzog.
Burns.	Head.
Butler.	Hicks.
Calvert.	Hill.
Camp.	Hodges.
Canon.	Holekamp.
Cathey.	Holland.
Celaya.	Holloway.
Chastain.	Hoskins.
Clayton.	Huddleston.
Colson.	Hughes.
Coombes.	Hunt.
Cowley.	Hunter.
Crossley.	Hyder.
Daniel.	Jackson.
Davidson.	James.
Dean.	Jefferson.
Devall.	Johnson
Dunlap.	of Anderson.
Dunagan.	Jones of Atascosa.
Duvall.	Jones of Runnels.
Dwyer.	Jones of Shelby.
Engelhard.	Kayton.
Fain.	Kyle of Hays.
Ford.	Kyle of Palo Pinto.

Laird.	Renfro.
Lange.	Riddle.
Latham.	Roark.
Lemens.	Roberts.
Leonard.	Rogers of Hunt.
Lindsey.	Rogers
Lotief.	of Ochiltree.
Mackay.	Rollins.
Magee.	Savage.
Mathis.	Scarborough.
McCullough.	Scott.
McGregor.	Shannon.
McKee.	Shults.
Merritt.	Smith.
Metcalf.	Stanfield.
Mitcham.	Steward.
Moffett.	Stinson.
Moore.	Stovall.
Morrison.	Stubbeman.
Morse.	Tarwater.
Munson.	Tennyson.
Nicholson.	Thomas.
Palmer.	Tillery.
Parkhouse.	Townsend.
Patterson.	Turlington.
Pavlica.	Van Zandt.
Pope.	Vaughan.
Puryear.	Wagstaff.
Ramsey.	Walker.
Ratliff.	Weinert.
Ray.	Wells.
Reader.	Winningham.
Reed of Bowie.	Wood.
Reed of Dallas.	Young.

Absent

Long.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Fisher.	Russell.
Hester.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W.
Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were
granted leaves of absence on account
of important business:

Mr. Caven for today, on motion of
Mr. Beck.

Mr. Bedford and Mr. McDougald
for today, on motion of Mr. Han-
kamer.

Mr. Russell was granted leave of
absence for today, on account of ill-
ness in his family, on motion of Mr.
Good.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Pope:

H. B. No. 78, A bill to be entitled "An Act amending Article 5921, Revised Civil Statutes of Texas, 1925, relating to removal of disabilities of minority so as to provide that such disabilities may be removed for all legal purposes at the age of eighteen, and declaring an emergency."

Referred to the Committee on Judiciary.

INTRODUCTION OF MEMBERS-ELECT OF THE FORTY-FOURTH LEGISLATURE

Speaker Stevenson introduced Hon. J. W. Youngblood, Member-elect of the Forty-fourth Legislature, of Tarrant County.

Mr. Youngblood addressed the House.

Speaker Stevenson also introduced Hon. W. W. Fitzwater, of Bonham, Texas, Member-elect of the Forty-fourth Legislature.

Mr. Fitzwater addressed the House.

REQUESTING HIGHWAY DEPARTMENT TO ERECT CERTAIN MARKERS

Mr. Kayton and Mr. James offered the following resolution:

H. C. R. No. 7, Requesting Highway Department to erect certain markers.

Whereas, 1936 has been officially designated by the Legislature of the State of Texas as Centennial year; and

Whereas, During Centennial year, Texas will be visited by thousands of persons unfamiliar with the historic sites within our State; and

Whereas, A small outlay of money may be necessary to direct the automobile tourists to these historic spots, thus increasing the consumption of gas within the State of Texas during this Centennial year; therefore, be it

Resolved by the House of Representatives and the Senate concurring, That the Highway Department is hereby instructed to erect temporary markers upon and near the State highways designating the historic spots and sites, together with direc-

tional signs thereto; and, be it further

Resolved, That the intent of this resolution is for the State Highway Department to erect temporary and suitable markers, containing a statement as to the history of the designated spot, and not to erect permanent monuments.

KAYTON,
JAMES.

The resolution was read second time.

(Mr. Duvall in the Chair.)

Question recurring on the resolutions, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas—67

Aikin.	Kayton.
Atchison.	Laird.
Baker.	Leonard.
Barrett.	Mackay.
Bradley.	McCullough.
Calvert.	Merritt.
Canon.	Metcalfe.
Cathey.	Mitcham.
Celaya.	Moffett.
Chastain.	Moore.
Clayton.	Morse.
Coombes.	Nicholson.
Crossley.	Parkhouse.
Davidson.	Patterson.
Golson.	Ramsey.
Good.	Ratliff.
Goodman.	Ray.
Griffith.	Reed of Dallas.
Hankamer.	Roberts.
Harrison.	Rollins.
Hill.	Scarborough.
Hodges.	Scott.
Holland.	Shults.
Holloway.	Smith.
Hoskins.	Stanfield.
Hughes.	Steward.
Hunter.	Stovall.
Hyder.	Stubberman.
Jackson.	Thomas.
James.	Tillery.
Jefferson.	Townsend.
Johnson	Van Zandt.
of Anderson.	Wagstaff.
Jones of Shelby.	Wood.

Nays—16

Alsup.	Jones of Runnels.
Bergman.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Camp.	Lindsey.
Daniel.	Puryear.
Glass.	Reed of Bowie.
Greathouse.	Roark.
Head.	Walker.

	Absent
Alexander.	Lemens.
Anderson.	Long.
Barron.	Lotief.
Beck.	Magee.
Burns.	Mathis.
Butler.	McGregor.
Colson.	McKee.
Cowley.	Morrison.
Dean.	Munson.
Devall.	Palmer.
Dunlap.	Pavlica.
Dunagan.	Pope.
Duvall.	Reader.
Dwyer.	Renfro.
Engelhard.	Riddle.
Fain.	Rogers of Hunt.
Ford.	Rogers
Fuchs.	of Ochiltree.
Graves.	Savage.
Harman.	Shannon.
Harris.	Stinson.
Hartzog.	Tarwater.
Hicks.	Tennyson.
Holekamp.	Turlington.
Huddleston.	Vaughan.
Hunt.	Weinert.
Jones of Atascosa.	Wells.
Lange.	Winningham.
Latham.	Young.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Fisher.	Russell.
Hester.	

Mr. Van Zandt raised the point of order that there was not a quorum voting.

The Chair sustained the point of order.

The roll of the House was again called.

A quorum was announced present.

Question again recurring on the resolution by Mr. Kayton, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—68

Anderson.	Fuchs.
Atchison.	Golson.
Baker.	Goodman.
Barrett.	Griffith.
Bradley.	Hankamer.
Butler.	Harris.
Cathey.	Hill.
Celaya.	Hodges.
Clayton.	Holloway.
Colson.	Hoskins.
Coombes.	Hughes.
Devall.	Hunter.
Dwyer.	Jackson.
Ford.	James.

Jefferson.	Reader.
Johnson	Reed of Dallas.
of Anderson.	Rogers
Jones of Shelby.	of Ochiltree.
Kayton.	Rollins.
Laird.	Savage.
Lemens.	Scarborough.
Lotief.	Scott.
McCullough.	Shannon.
McKee.	Shults.
Merritt.	Smith.
Metcalfe.	Stovall.
Moffett.	Stubbsman.
Moore.	Tarwater.
Morse.	Thomas.
Munson.	Townsend.
Nicholson.	Van Zandt.
Parkhouse.	Vaughan.
Patterson.	Wagstaff.
Ratliff.	Wells.
Ray.	Wood.

Nays—37

Aikin.	Jones of Runnels.
Alexander.	Kyle of Palo Pinto.
Alsup.	Mackay.
Bergman.	Magee.
Bourne.	Mitcham.
Burns.	Palmer.
Camp.	Pope.
Canon.	Puryear.
Chastain.	Ramsey.
Daniel.	Reed of Bowie.
Davidson.	Roark.
Dean.	Rogers of Hunt.
Fain.	Stanfield.
Glass.	Steward.
Graves.	Tillery.
Greathouse.	Turlington.
Head.	Walker.
Huddleston.	Winningham.
Jones of Atascosa.	

Absent

Barron.	Kyle of Hays.
Beck.	Lange.
Calvert.	Latham.
Cowley.	Leonard.
Crossley.	Lindsey.
Dunlap.	Long.
Dunagan.	Mathis.
Duvall.	McGregor.
Engelhard.	Morrison.
Good.	Pavlica.
Harman.	Renfro.
Harrison.	Riddle.
Hartzog.	Roberts.
Hicks.	Stinson.
Holekamp.	Tennyson.
Holland.	Weinert.
Hunt.	Young.
Hyder.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Fisher.	Russell.
Hester.	

RELATIVE TO THE CONSTRUCTION OF ROADS BY THE HIGHWAY DEPARTMENT

Mr. Merritt offered the following resolution:

Whereas, Some of the newspapers of the State, on October 28, 1934, carried a statement credited to Judge W. R. Ely, of Abilene, to the effect that Dallas is to become the center of the State's road system; and

Whereas, The Dallas Morning News quoted Judge Ely as saying:

"Although such a program may mean a sacrifice to the lateral roads, the Commission believes the people will gladly make it. This will make Dallas the hub over highways, which motorists from every point of the compass will find it a comfort to travel"; and

Whereas, Judge Ely being a member of the State Highway Commission it is presumed he spoke with authority of and for said Commission; and

Whereas, Economic and financial conditions throughout Texas demand that road funds be expended as nearly Statewide as possible; funds for support and maintenance of the Highway Commission and for construction of highways are supplied from every section of Texas; multiplied thousands of unemployed taxpayers are found in every part of Texas; and it would be a gross injustice to the State as a whole to abandon construction of lateral roads for a central, localized road system at any point in Texas; therefore, be it

Resolved by the House of Representatives, That the Highway Commission be requested to not abandon road construction on a Statewide basis, but rather that highway work be continued in all sections of Texas in order that the benefits accruing therefrom may be felt in all sections of the State.

MERRITT,
SCOTT,
SHANNON.

The resolution was read second time.

Mr. Wagstaff moved to table the resolution.

Mrs. Hughes raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Chair sustained the point of order.

Mr. Lotief moved that the time for the consideration of resolutions be extended for the purpose of further considering the resolution.

The motion was lost.

CONCERNING ADMINISTRATION OF RELIEF WORK

The Speaker laid before the House, as unfinished business,

H. C. R. No. 6, by Mr. Griffith, concerning administration of relief work;

The resolution having been read second time on yesterday.

Mr. Lindsey and Mr. Burns raised a point of order on further consideration of the resolution, on the ground that the resolution seeks to amend the statutes, which cannot be done by a concurrent resolution.

The Chair overruled the point of order.

Mr. Chastain moved to table the resolution.

Question recurring on the motion to table the resolution, it prevailed.

HOUSE BILL NO. 37 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 37, A bill to be entitled "An Act levying and imposing occupation taxes in addition to those now prescribed by law on certain industries and occupations; providing for certain exemptions and defining terms used in the Act; providing for the licensing of operators of coin-operated, vending or amusement machines as defined in the Act, providing for certain exceptions and exemptions and levying an occupation tax on each machine operated under license; prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act; etc., and declaring an emergency";

The bill having been read second time on yesterday with committee amendment by Mr. Stinson, pending.

Mr. Parkhouse moved that the committee amendment offered by Mr. Stinson be not read, inasmuch as the amendment is the printed bill.

Mr. Rogers of Ochiltree moved as a substitute motion that the committee amendment be read, section by section, and that amendments be offered to each section as same is read.

Mr. Moore moved to table the motion of Mr. Rogers of Ochiltree.

Question recurring on the motion to table, it prevailed.

Question recurring on the motion by Mr. Parkhouse, it prevailed.

Mr. Alsup offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 37, page 1, Section 1, line 25, by inserting after the word "manner," the words, "for two years"; and by adding after the word "Fund," in line 32, the following:

"After the expiration of two years, the monies derived from the collection of taxes levied in this Act shall be deposited in the following manner:

"One-fourth thereof in the Available School Fund of the State, and three-fourths thereof in the General Revenue Fund of the State."

And on page 2, line 26, by striking out the word "during," and inserting the word "beginning"; and on page 2, line 27, by striking out the words, "and ending December 31, 1936."

And page 3, Section B, Subsection (b), line 38, by striking out the word "during," and inserting the word "beginning," and by striking out the word "and."

And line 39, by striking out the words and figures "ending December 31, 1936."

And page 4, line 31, by striking out the word "during," and inserting the word "beginning," and line 32, by striking out the words and figures "and ending December 31, 1936."

And page 6, line 39, by striking out the words and figures "and ending December 31, 1936."

And page 8, line 15, by striking out the words and figures "and ending December 31, 1936."

And page 12, line 13, by striking out the words and figures "and ending December 31, 1936."

And page 16, line 36, by striking out the words and figures "and ending December 31, 1936."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—19

Alsup.	Head.
Beck.	Hunt.
Burns.	Jefferson.
Crossley.	Jones of Shelby.
Daniel.	Lotief.
Dunagan.	Pavlica.
Good.	Purveyar.
Graves.	Ramsey.
Greathouse.	Vaughan.
Hartzog.	

Nays—97

Aikin.	Magee.
Alexander.	Mathis.
Anderson.	McCullough.
Atchison.	McGregor.
Baker.	McKee.
Barrett.	Merritt.
Bergman.	Metcalfe.
Bourne.	Mitcham.
Bradley.	Moffett.
Butler.	Moore.
Camp.	Morrison.
Canon.	Munson.
Cathey.	Nicholson.
Celaya.	Parkhouse.
Chastain.	Patterson.
Clayton.	Pope.
Coombes.	Ratliff.
Dean.	Ray.
Devall.	Reed of Bowie.
Dwyer.	Reed of Dallas.
Fain.	Renfro.
Ford.	Riddle.
Fuchs.	Roark.
Golson.	Roberts.
Goodman.	Rogers of Hunt.
Griffith.	Rogers
Hankamer.	of Ochiltree.
Harman.	Rollins.
Harris.	Savage.
Hill.	Shannon.
Hodges.	Shults.
Holekamp.	Smith.
Hoskins.	Stanfield.
Huddleston.	Steward.
Hughes.	Stinson.
Hunter.	Stovall.
Hyder.	Tarwater.
Jackson.	Thomas.
James.	Tillery.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Weinert.
Laird.	Wells.
Lange.	Winningham.
Lemens.	Wood.
Lindsey.	Young.
Mackay.	

Present—Not Voting

Glass.

Absent

Barron.	Kyle of Palo Pinto.
Calvert.	Latham.
Colson.	Leonard.
Cowley.	Long.
Davidson.	Morse.
Dunlap.	Palmer.
Duvall.	Reader.
Engelhard.	Scarborough.
Harrison.	Scott.
Hicks.	Stubbeman.
Holland.	Tennyson.
Holloway.	

Present—Not Voting

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Fisher.	Russell.
Hester.	

Mr. Butler offered the following amendment to the committee amendment:

Amend committee amendment No. 1, of House Bill No. 37, by striking out all of Section 1, and inserting in lieu thereof a new section to be known as Section 1:

"Section 1. All monies derived from the collection of occupation taxes levied in this Act shall be deposited by the State Treasurer in the following manner: One-fourth ($\frac{1}{4}$) thereof in the Available School Fund of the State, one-fourth ($\frac{1}{4}$) thereof in the General Revenue Fund of the State, and one-half ($\frac{1}{2}$) in a fund to be known as 'Texas Centennial Fund,' which shall be kept separate and apart from the General Revenue Fund, and from all other funds of the State Treasury. The monies collected as license fees under the provisions of Section 2, Subsection E, paragraph B, of this Act, shall be deposited in said 'Texas Centennial Fund.'"

Mr. Daniel offered the following substitute for the amendment by Mr. Butler:

Substitute for amendment to committee amendment No. 1 to House Bill No. 37, Section 1, by striking out lines 27, 28, and 29, down to and including the words "State Treasury," and substituting in lieu thereof the following, "the General Revenue Fund," and striking out "Texas Centennial," in last sentence, and inserting in lieu thereof the following: "General Revenue."

DANIEL,
BURNS.

(Speaker in the Chair.)

Question—Shall the substitute amendment by Mr. Daniel be adopted?

HOUSE BILL NO. 73 ON SECOND READING

On motion of Mr. Metcalfe, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 73, A bill to be entitled "An Act providing for an open season for taking pelts of fur-bearing animals in Tom Green, Irion, Sterling, and Reagan Counties, shall be during the months of December, January, and February of each year, excepting muskrats, the open season for which shall be from the first day of November to first day of April, both days inclusive, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 73 ON THIRD READING

Mr. Metcalfe moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Aikin.	Fain.
Alsup.	Ford.
Anderson.	Fuchs.
Atchison.	Glass.
Baker.	Golson.
Barrett.	Good.
Barron.	Goodman.
Beck.	Graves.
Bergman.	Greathouse.
Bourne.	Griffith.
Bradley.	Hankamer.
Burns.	Harman.
Butler.	Harris.
Canon.	Hartzog.
Cathey.	Head.
Celaya.	Hicks.
Chastain.	Hill.
Clayton.	Hodges.
Colson.	Holekamp.
Coombes.	Holland.
Cowley.	Holloway.
Crossley.	Hoskins.
Daniel.	Huddleston.
Dean.	Hughes.
Dunagan.	Hunt.

Hunter.	Ratliff.
Hyder.	Ray.
Jackson.	Reader.
James.	Reed of Bowie.
Johnson	Reed of Dallas.
of Anderson.	Renfro.
Jones of Atascosa.	Riddle.
Jones of Runnels.	Roark.
Jones of Shelby.	Roberts.
Kayton.	Rogers of Hunt.
Kyle of Hays.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Laird.	Rollins.
Lange.	Savage.
Latham.	Scarborough.
Leonard.	Scott.
Lindsey.	Shults.
Lotief.	Smith.
Mackay.	Stanfield.
Magee.	Steward.
Mathis.	Stinson.
McCullough.	Stovall.
McGregor.	Stubbeman.
McKee.	Tarwater.
Merritt.	Thomas.
Metcalfe.	Tillery.
Mitcham.	Townsend.
Moffett.	Turlington.
Moore.	Van Zandt.
Morrison.	Vaughan.
Munson.	Wagstaff.
Nicholson.	Walker.
Palmer.	Weinert.
Parkhouse.	Wells.
Patterson.	Winningham.
Pavlica.	Wood.
Puryear.	Young.

Absent

Alexander.	Harrison.
Calvert.	Jefferson.
Camp.	Lemens.
Davidson.	Long.
Devall.	Morse.
Dunlap.	Pope.
Duvall.	Ramsey.
Dwyer.	Shannon.
Engelhard.	Tennyson.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Fisher.	Russell.
Hester.	

The Speaker then laid House Bill No. 73 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Aikin.	Anderson.
Alsup.	Atchison.

Baker.	Laird.
Barrett.	Latham.
Beck.	Lemens.
Bergman.	Leonard.
Bourne.	Lindsey.
Bradley.	Lotief.
Burns.	Mackay.
Butler.	Magee.
Canon.	Mathis.
Cathey.	McCullough.
Celaya.	McGregor.
Chastain.	McKee.
Clayton.	Merritt.
Colson.	Metcalfe.
Coombes.	Mitcham.
Cowley.	Moffett.
Crossley.	Moore.
Daniel.	Morrison.
Davidson.	Munson.
Dean.	Nicholson.
Dunagan.	Palmer.
Duvall.	Parkhouse.
Engelhard.	Patterson.
Fain.	Pavlica.
Ford.	Puryear.
Fuchs.	Ratliff.
Glass.	Ray.
Golson.	Reed of Bowie.
Good.	Reed of Dallas.
Goodman.	Renfro.
Graves.	Riddle.
Greathouse.	Roark.
Griffith.	Roberts.
Hankamer.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Harrison.	Rollins.
Hartzog.	Savage.
Head.	Scarborough.
Hicks.	Scott.
Hill.	Shannon.
Hodges.	Shults.
Holekamp.	Stanfield.
Holloway.	Steward.
Hoskins.	Stinson.
Huddleston.	Stovall.
Hughes.	Stubbeman.
Hunt.	Tarwater.
Hunter.	Tennyson.
Hyder.	Thomas.
Jackson.	Tillery.
James.	Townsend.
Jefferson.	Turlington.
Johnson	Van Zandt.
of Anderson.	Vaughan.
Jones of Atascosa.	Wagstaff.
Jones of Runnels.	Weinert.
Jones of Shelby.	Wells.
Kayton.	Winningham.
Kyle of Hays.	Young.
Kyle of Palo Pinto.	

Absent

Alexander.	Devall.
Barron.	Dunlap.
Calvert.	Dwyer.
Camp.	Holland.

Lange.	Reader.
Long.	Smith.
Morse.	Walker.
Pope.	Wood.
Ramsey.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Fisher.	Russell.
Hester.	

RECESS

On motion of Mr. Anderson, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

COMMUNICATION FROM HON. J. W. ADAMSON AND WIFE

The Speaker laid before the House, and had read, the following telegram:

Dallas, Texas, November 7, 1934.

Hon. Coke R. Stevenson, Speaker, Capitol, Austin, Texas.

Greetings. Operated on yesterday. Doing fine. Mrs. Adamson and I thank you for resolution of sympathy and other inquiries. May the blessings of heaven rest upon you and yours. We love everyone of you.

J. W. ADAMSON.

EXPRESSING APPRECIATION OF PROFESSOR JOE PRITCHETT

Mr. Burns offered the following resolution:

Whereas, Professor Joe Pritchett of Huntsville, Texas, is now seventy-six years of age, and "with mental force unabated and eye undimmed"; and

Whereas, For more than a half of a century he has contributed to the welfare, progress and upbuilding of Texas; and

Whereas, He has taught in the Sam Houston State Teachers College for forty-six years, and has rendered distinguished service to the State of Texas in said institution; and

Whereas, All the people who know Professor Pritchett love, honor and respect him as one who has kept the

faith and fought the good fight; and

Whereas, It is only proper and entirely fitting that the people, acting through their Legislature, express these sentiments to Professor Joe Pritchett; therefore, be it

Resolved by the Legislature of the State of Texas, That we express to him the gratitude and appreciation of a free and grateful people for the service he has rendered his and their State, and they further express to him their wishes and hope that he may long remain with us as an example of high citizenship and sterling manhood; be it further

Resolved, That a copy of this resolution be sent to Professor Joe Pritchett at Huntsville, Texas.

BURNS,
MOORE,
GRIFFITH.

The resolution was read second time, and was adopted.

RELATIVE TO WAGE SCALE AND HOUR POLICY IN CERTAIN CASES

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 4, relative to certain wage scale;

The resolution having been read second time on yesterday, and referred to the Committee on Labor, with amendment by Mr. Van Zandt, pending;

The Committee on Labor having recommended the adoption of the resolution.

Question recurring on the amendment by Mr. Van Zandt, it was adopted.

The resolution, as amended, was then adopted.

HOUSE BILL NO. 37 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 37, to levy and impose certain occupation taxes in regard to the holding the Texas Centennial Celebration;

The bill having heretofore been read second time, with committee amendment and amendment by Mr. Butler, to the committee amendment, and substitute by Mr. Daniel for the amendment by Mr. Butler, pending.

Mr. Alsup raised the point of order that there is not now a quorum of the

House of Representatives present, inasmuch as the terms of the Members of the House of the Forty-third Legislature, not re-elected as Members of the Forty-fourth Legislature, have now expired, in accordance with the provisions of Article III, of Section 4, of the State Constitution, which Article and Section designates the terms of office of Members of the House.

The Speaker overruled the point of order, stating his reasons, as follows:

The gentleman from Panola, Mr. Alsup, raises the point of order that there is no quorum present because the terms of office of those Members who were not re-elected in the general election held yesterday have expired. The gentleman from Tarrant, Mr. Duvall, has made an able and persuasive argument in support of the point of order. His argument is based chiefly upon the language of Section 4, of Article III, of the Constitution, which reads as follows:

"The Members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election."

If this were an original proposition and the provision of the Constitution above quoted were considered alone, the Chair would be inclined to sustain the point of order. The question involved has not been directly decided by the courts. In the absence of any pronouncements by the courts, we should look to the interpretation placed upon this section of the Constitution by those charged with the duty of enforcing it since its adoption.

This has been accomplished by construing other provisions of the Constitution with Section 4, of Article III, *supra*, and also the statutes enacted thereunder.

Section 17, of Article XVI, reads as follows:

"All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified."

Section 5, of Article III, contains this language:

"The Legislature shall meet every two years at such times as may be provided by law and at other times when convened by the Governor."

By virtue of the authority contained in this section of the Constitution, which empowers enactment of a law providing for the meeting

of the Legislature, statutes have been passed which provide the machinery necessary to convene a regular session of the Legislature. These statutes have for many years provided that the Legislature should meet in regular session on the second Tuesday in January following the general biennial election.

These statutes have been in force with substantially the same provisions as to the time, place and manner of convening the Legislature, since the adoption of the present Constitution. Long continued adoption of the interpretation of a constitutional provision by the department of government which operates thereunder is entitled to great weight and profound respect in construing such provisions. The Legislature for more than a half century has operated under these statutory enactments which constitute an interpretation of the constitutional provisions. In addition thereto, the question involved in the point of order has been considered by the Attorney General's Department of Texas at a time when the present Chief Justice of the Supreme Court held the position of First Assistant Attorney General. He rendered an opinion on the subject in response to an inquiry from Governor Colquitt in 1914. His opinion deals with the questions here raised in a careful and logical manner. The opinion is as follows:

"October 20, 1914.

Honorable O. B. Colquitt, Governor,
Capitol.

Dear Sir: In your inquiry you request the opinion of the Attorney General as to whether a special session of the Legislature, called to assemble after the third day of November, A. D. 1914, and prior to the second Tuesday in January, A. D. 1915, would be composed of the present membership of the Thirty-third Legislature or of those elected to the Legislature on November 3rd of this year.

I

This inquiry involves constructions of various constitutional and statutory provisions. Section 4, of Article III, of the Constitution, reads as follows:

"The Members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election."

It is clear from this section that the terms of office of the present membership of the Thirty-third Legislature will expire on November 3rd next; but the provision of the Constitution just above quoted must be construed in connection with another, to wit: Section 17, of Article XVI, which reads:

'All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.'

Provisions of the Constitution relating to the same subject must be construed together.

G., H. & S. A. Ry. Co. vs. The State, 77 Texas, 379.

State vs. Moore, 57 Texas, 313.

Construing these two provisions of the Constitution together, they mean that the term of office of a Member of the Legislature shall be two years, beginning with the day of his election, but that, nevertheless, after the expiration of the term thus fixed by the Constitution, he shall continue to perform the duties of his office until his successor shall have been duly qualified.

23 Am. and Ency. of Law, page 314.

Jones vs. City of Jefferson, 66 Texas, 576.

Badger vs. United States, 93 U. S., 602.

Salamanca Township vs. Wilson, 109 U. S., 627.

And this is so even where the commencement of such successor's term and consequently his right to qualify have, by law, been put off by a date later than the end of the incumbent's regular term. (23 Am. and Ency. of Law, pages 413-414, citing State vs. Tilletts, 4 Ohio Circuit Decisions, page 509.)

The Constitution of the State does not direct when Members of the Legislature shall qualify, nor in what manner, except they are required to take the oath of office prescribed by that instrument, which must be done before they enter upon their duties. (State Constitution, Section 1, Article XVI.)

The Constitution provides that 'the Legislature shall meet every two years, at such times as may be provided by law and at other times when convened by the Governor.' (Section 5, Article III.)

Section 9 of the same article provides: 'The House of Representatives shall, when it first assembles,

organize temporarily and thereupon proceed to the election of a Speaker from its own Members.' Section 4, Article IV, provides that 'the Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practical, and shall hold his office for a term of two years, or until his successor shall be duly installed.'

II

In response to these various provisions of the Constitution, the Legislature has enacted certain articles of the Civil Code which are, in effect, enabling acts to put in practical operation the provisions of the Constitution just referred to.

Chapter 1, of Title 82, Article 5505, Revised Statutes, is as follows:

'The Thirty-third Legislature shall assemble to hold its biennial session on the second Tuesday in January, A. D. 1912 (1913), at 12 o'clock m., and shall meet biennially thereafter on the same day and hour until otherwise provided by law.'

The language of this codification is somewhat confusing, but by reference to the Code of 1895, as well as that of 1879, it is very clear that what was intended was that the Thirty-third Legislature should meet on the second Tuesday in January, A. D. 1913, and that the Legislature should meet biennially thereafter on the same day and hour until otherwise provided by law. It is well settled, of course, that we are to rely upon the law as enacted rather than as compiled by the codifiers.

Robertson vs. The State, 159 S. W., 722.

When we do this and consult the Codes of 1895 and of 1879, it is plain that the meaning which we have given the above and latest codification is the correct one. Chapter 2, of Title 82, Revised Statutes of 1911, pertains to the organization of the Legislature and was enacted in response evidently to the several provisions of the Constitution to which we have heretofore referred. This chapter, article by article, reads as follows, to wit:

'Article 5506. Those persons receiving certificates of election to the Senate and House of Representatives of the Legislature, and those Senators whose terms of office shall not have terminated, and none others, shall be competent to organize the Senate and House of Representatives.

'Article 5507. For the purpose of organization, as provided for in the preceding article, it shall be the duty of the Secretary of State to preside at each recurring session of the Legislature.

'Article 5508. He shall attend at the time and place designated for the meeting of the Legislature, and shall appoint a clerk, who shall have been Chief Clerk of the House the preceding session, if he be present, to take a minute of the proceedings.

'Article 5509. The Clerk, under direction of the Secretary of State, shall call all the counties in alphabetical order.

'Article 5510. When the counties are called and the Members-elect appear and present their credentials, it shall be the duty of the Clerk, under the order and direction of the Secretary of State, to administer to each the oath prescribed by the Constitution.

'Article 5511. Should returns of election in any county for Members of the Legislature not be made to the office of the Secretary of State, the Clerk shall, nevertheless, call such county.

'Article 5512. Any person appearing at said call and presenting the proper evidence of his election shall be admitted or qualified in the same manner as though the return of his election had been made to the office of the Secretary of State.

'Article 5513. Should there not be a quorum in attendance on the day appointed for the meeting of the Legislature, it shall be the duty of the Secretary of State and Clerk to attend from day to day until a quorum shall appear and be qualified as above.

'Article 5514. When a quorum shall have appeared and qualified, the House shall proceed to the election of a Speaker, unless a majority of the Members present shall think proper to defer said election.

'Article 5515. When an election for Speaker shall have been had, the Speaker-elect shall immediately take the Chair and the House proceed to its further organization by electing the necessary officers, to whom the Speaker shall administer the oath of office.

'Article 5516. Should there be no Secretary of State, or in case he be absent or unable to attend from any cause, the Attorney General shall attend and perform the duties prescribed in this title.'

These articles of the Civil Code were enacted in August, 1876, after the adoption of the Constitution by the people in February of that year and may be regarded as a legislative interpretation of the constitutional provisions referred to; and, as such, by a coincidence in point of time with the adoption of the Constitution and acquiesced in and acted upon for a period of time of more than thirty-eight years, will be sustained by the courts as within the authority and power of the Legislature as limited by the Constitution. Cooley on Constitutional Construction, page 81; Black on Interpretation of Laws, Section 20. Mr. Black says:

'The contemporary construction of the Constitution, especially if universally adopted, and also its practical construction, especially if acquiesced in for a long period of time, are valuable aids in determining its meaning and intention in cases of doubt.'

Says Judge Cooley:

'Where there has been a practical construction, which has been acquiesced in for a considerable period, considerations in favor of adhering to this construction sometimes present themselves to the courts with a plausibility and force which it is not easy to resist. Indeed, where a particular construction has been generally accepted as correct, and especially when this has occurred contemporaneously with the adoption of the Constitution, and by those who had opportunity to understand the intention of the instrument, it is not to be denied that a strong presumption exists that the construction rightly interprets the intention.' (Cooley on Constitutional Limitations, p. 82.)

III

Taking, therefore, Chapters 1 and 2, of Title 82, as constitutional Acts of the Legislature, the question at issue is easy of solution. Members of the Legislature, under this law, may only take the oath of office and organize the Legislature in the manner and at the time prescribed by the statute.

Clearly the Legislature had the right to prescribe this, because it was not prohibited from so doing by the Constitution and, being a matter of legislation not interdicted by the fundamental law, the Legislature could constitutionally govern the

time, manner and method of taking the oath of office and organizing the Legislature. The general rule is that State legislation is valid unless prohibited by the State or Federal Constitution; and, except in the particulars wherein it is restrained by the Constitution of the United States, the Legislative Department may exercise all legislative power which is not forbidden expressly or by implication by the provisions of the Constitution of this State.

Brown vs. City of Galveston, 97 Texas, 9.

Lytle vs. Halff Bros., 75 Texas, 132.

Cooley's Constitutional Limitations, 6th Ed., 204.

From what we have said it follows:

(a) The terms of office of the Members of the Thirty-third Legislature expire on the 3rd day of November, A. D. 1914.

(b) But they 'shall continue to perform the duties of their office until their successors shall be duly qualified.'

(c) Their successors cannot be duly qualified except in the manner and at the time provided in Chapters 1 and 2, of Title 82, Revised Statutes, which provide for the meeting of the Legislature and the administration of the oath of office of its Members in assembly on the second Tuesday in January, which, in the instance particularly in view, is the second Tuesday in January, A. D. 1915.

IV

You are therefore advised that should you call another special session of the Legislature between November 3, A. D. 1914, and the second Tuesday in January, A. D. 1915, that such session will be composed of those Members of the Legislature now serving as Members of the Thirty-third Legislature, and not of those who will be elected to the Legislature on November 3rd, next.

Whatever may be thought of the wisdom, or as an original proposition of the constitutionality, of the legislative Act referred to, prescribing the time and manner of qualifying Members of the Legislature, the law has been in effect too long and was enacted too near the time of the adoption of the Constitution for this Department or the courts to criticize either the one or question the constitutionality of the other.

In giving you this advice, we have but applied to the facts suggested

by you the plain letter of the statute, which has been in force in this State unquestioned and unchallenged, a constant guide and precedent, for more than a third of a century.

Respectfully submitted,

C. M. CURETON,
First Assistant Attorney General."

It will be noted that the articles of the statute referred to in the opinion are substantially the present law, although the article numbers are now different. (See Articles 5423, 5424, 5425, 5426, 5427, 5428, and 5429.)

In addition to the statutory provisions cited in the opinion, we are confronted by other statutory enactments governing elections. Among other provisions, Article 3030 requires the commissioners court to meet on Monday following a general election and canvass the returns and declare the result.

In legislative districts composed of more than one county, Article 3037 provides for returns to be made to the county judge of a returning county, and the particular county for each of such districts is specified in the statutes. None of these statutes appear to be unconstitutional. In fact, they are in compliance with other provisions of the Constitution authorizing the Legislature to pass laws insuring fair elections and preserving the purity of the ballot box. (Section 4, of Article VI.)

It is apparent, therefore, that orderly procedure in the Government could not be maintained unless Section 4, of Article III, of the Constitution, is construed in harmony with Section 17, of Article XVI, and with the statutes governing the Legislature, and with the statutes governing elections.

If literal effect be given to the language of Section 4, of Article III, then the terms of all Members of the Legislature would expire on the date of the general election. In theory, it would be impossible to know what candidates were elected to the Legislature until the vote had been counted, the returns canvassed and the result declared in accordance with law. This would require some period of time, whether short or long; but whatever the period, the result would be that during such period the State would be without any law-making body. No matter what emergency might arise which would require the convening of the

Legislature, there would be no Legislature to convene, and the people of this State would be deprived of the rights and benefits of representative Government during such period. It is unthinkable that the people should be deprived of the right of representative Government even for one hour.

It is the opinion of the Chair, therefore, that the conclusions reached by Judge Cureton in the opinion above quoted are correct, and the point of order, therefore, is respectfully overruled.

Mr. Stinson then moved to table the substitute amendment offered by Mr. Daniel for the amendment by Mr. Butler.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68

Aikin.	Jones of Atascosa.
Atchison.	Kayton.
Baker.	Kyle of Hays.
Barrett.	Kyle of Palo Pinto.
Bradley.	Latham.
Butler.	Lemens.
Calvert.	Leonard.
Camp.	Lindsey.
Cathey.	Mackay.
Celaya.	Magee.
Clayton.	Mathis.
Colson.	Moffett.
Coombes.	Morrison.
Dean.	Nicholson.
Duvall.	Parkhouse.
Fain.	Pavlica.
Fuchs.	Pope.
Glass.	Ratliff.
Golson.	Ray.
Good.	Reed of Dallas.
Goodman.	Rollins.
Griffith.	Savage.
Hankamer.	Scarborough.
Harman.	Smith.
Harris.	Stinson.
Hill.	Stovall.
Hodges.	Stubbeman.
Hoskins.	Townsend.
Huddleston.	Turlington.
Hughes.	Van Zandt.
Hunter.	Weinert.
Hyder.	Wells.
Jackson.	Winningham.
James.	Wood.

Nays—61

Alexander.	Barron.
Alsup.	Beck.
Anderson.	Bergman.

Bourne.	Moore.
Burns.	Morse.
Canon.	Munson.
Crossley.	Palmer.
Daniel.	Patterson.
Davidson.	Purveyer.
Devall.	Reader.
Dunagan.	Reed of Bowie.
Dwyer.	Renfro.
Fisher.	Riddle.
Ford.	Roark.
Greathouse.	Roberts.
Harrison.	Rogers of Hunt.
Hartzog.	Rogers
Head.	of Ochiltree.
Hicks.	Scott.
Holland.	Shannon.
Hunt.	Shults.
Johnson	Stanfield.
of Anderson.	Steward.
Jones of Runnels.	Tarwater.
Jones of Shelby.	Tennyson.
Lange.	Thomas.
Long.	Tillery.
Lotief.	Vaughan.
McCullough.	Wagstaff.
McGregor.	Walker.
Merritt.	Young.
Mitcham.	

Absent

Chastain.	Holloway.
Cowley.	Jefferson.
Dunlap.	Laird.
Engelhard.	McKee.
Graves.	Metcalfe.
Holekamp.	Ramsey.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Hester.	Russell.

Mr. Patterson offered the following amendment to the amendment by Mr. Butler:

Amend amendment by Mr. Butler to House Bill No. 37, by inserting after the words "General Revenue," the following: "for the purpose of retiring the Relief Bonds," and rewriting the balance of amendment to conform.

Mr. Stinson moved to table the amendment.

The motion to table prevailed.

Mr. Dunagan offered the following substitute for the amendment by Mr. Butler:

Amend committee amendment No. 1, of House Bill No. 37, by striking out all of Section 1, and inserting in lieu thereof a new section to be known as Section 1:

"Section 1. All monies derived from the collection of occupation taxes levied in this Act shall be deposited by the State Treasurer in the following manner: one-fourth ($\frac{1}{4}$) thereof in the Available School Fund of the State, and three-fourths ($\frac{3}{4}$) thereof to the Confederate Pension Fund of the State."

DUNAGAN,
LOTIEF.

Mrs. Hughes raised a point of order on further consideration of the amendment, on the ground that the amendment violates certain constitutional provisions.

The Speaker sustained the point of order.

Mr. Coombes moved the previous question on the committee amendment, the amendment by Mr. Butler and the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion for the main question was lost by the following vote:

Yeas—50

Atchison.	Kyle of Hays.
Baker.	Kyle of Palo Pinto.
Barron.	Lemens.
Butler.	Lindsey.
Cathey.	Magee.
Chastain.	Munson.
Clayton.	Nicholson.
Colson.	Parkhouse.
Coombes.	Pavlica.
Dean.	Ray.
Devall.	Reed of Dallas.
Duvall.	Rogers of Hunt.
Fain.	Rollins.
Fuchs.	Savage.
Goodman.	Scott.
Griffith.	Smith.
Hankamer.	Stinson.
Hartzog.	Stovall.
Hill.	Stubbeman.
Hughes.	Townsend.
Hunter.	Van Zandt.
Hyder.	Weinert.
James.	Wells.
Jefferson.	Winningham.
Johnson	Wood.
of Anderson.	

Nays—75

Aikin.	Bergman.
Alexander.	Bourne.
Alsup.	Bradley.
Barrett.	Burns.
Beck.	Calvert.

Camp.	Lotief.
Canon.	Mackay.
Celaya.	McCullough.
Cowley.	McGregor.
Crossley.	Merritt.
Daniel.	Mitcham.
Davidson.	Moffett.
Dunlap.	Moore.
Dunagan.	Morse.
Dwyer.	Palmer.
Engelhard.	Patterson.
Fisher.	Puryear.
Ford.	Ramsey.
Glass.	Reader.
Golson.	Reed of Bowie.
Good.	Renfro.
Greathouse.	Riddle.
Harris.	Roark.
Harrison.	Roberts.
Hicks.	Rogers
Hodges.	of Ochiltree.
Holland.	Scarborough.
Hoskins.	Shannon.
Huddleston.	Stanfield.
Hunt.	Tarwater.
Jackson.	Tennyson.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kayton.	Turlington.
Laird.	Vaughan.
Lange.	Wagstaff.
Latham.	Walker.
Leonard.	Young.

Absent

Anderson.	Mathis.
Graves.	McKee.
Harman.	Morrison.
Head.	Metcalfe.
Holekamp.	Pope.
Holloway.	Ratliff.
Jones of Atascosa.	Shults.
Long.	Steward.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Hester.	Russell.

Mr. Parkhouse moved to table the amendment by Mr. Butler.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—47

Atchison.	Colson.
Baker.	Coombes.
Barrett.	Davidson.
Bradley.	Dean.
Camp.	Duvall.
Chastain.	Fain.

Golson.	Nicholson.
Good.	Parkhouse.
Goodman.	Pavlica.
Holland.	Pope.
Hoskins.	Ray.
Hughes.	Reed of Dallas.
Hunter.	Rogers of Hunt.
James.	Rollins.
Jefferson.	Savage.
Johnson.	Smith.
of Anderson.	Stinson.
Kayton.	Stovall.
Kyle of Palo Pinto.	Stubbeman.
Latham.	Townsend.
Lindsey.	Van Zandt.
Magee.	Walker.
Morrison.	Weinert.
Munson.	Wood.

Nays—77

Aikin.	Lange.
Alexander.	Lemens.
Alsup.	Leonard.
Anderson.	Long.
Barron.	Lotief.
Beck.	Mackay.
Bergman.	McCullough.
Bourne.	McGregor.
Burns.	Merritt.
Butler.	Mitcham.
Calvert.	Moffett.
Cathey.	Moore.
Celaya.	Morse.
Clayton.	Palmer.
Cowley.	Patterson.
Crossley.	Puryear.
Daniel.	Ramsey.
Dunagan.	Reader.
Dwyer.	Reed of Bowie.
Fisher.	Renfro.
Ford.	Riddle.
Fuchs.	Roark.
Glass.	Roberts.
Greathouse.	Rogers
Hankamer.	of Ochiltree.
Harris.	Scarborough.
Harrison.	Shannon.
Hartzog.	Shults.
Head.	Stanfield.
Holekamp.	Steward.
Huddleston.	Tarwater.
Hunt.	Tennyson.
Hyder.	Tillery.
Jackson.	Turlington.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Wells.
Kyle of Hays.	Winningham.
Laird.	Young.

Absent

Canon.	Griffith.
Devall.	Harman.
Dunlap.	Hicks.
Engelhard.	Hill.
Graves.	Hodges.

Holloway.	Ratliff.
Mathis.	Scott.
McKee.	Thomas.
Metcalf.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Hester.	Russell.

Question recurring on the amendment by Mr. Butler, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—77

Aikin.	Laird.
Alexander.	Lange.
Alsup.	Lemens.
Anderson.	Leonard.
Barron.	Long.
Beck.	Mackay.
Bergman.	McCullough.
Bourne.	McGregor.
Burns.	Merritt.
Butler.	Mitcham.
Calvert.	Moffett.
Celaya.	Moore.
Clayton.	Morrison.
Cowley.	Morse.
Crossley.	Palmer.
Daniel.	Patterson.
Davidson.	Puryear.
Devall.	Reader.
Dunagan.	Reed of Bowie.
Dwyer.	Renfro.
Fisher.	Riddle.
Ford.	Roark.
Fuchs.	Roberts.
Glass.	Rogers of Hunt.
Greathouse.	Rogers
Hankamer.	of Ochiltree.
Harris.	Scarborough.
Harrison.	Shannon.
Hartzog.	Shults.
Head.	Stanfield.
Holekamp.	Steward.
Holland.	Tarwater.
Huddleston.	Tennyson.
Hunt.	Tillery.
Jackson.	Turlington.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Wells.
Kyle of Hays.	Winningham.

Nays—50

Atchison.	Chastain.
Baker.	Colson.
Barrett.	Coombes.
Bradley.	Dean.
Camp.	Duvall.
Cathey.	Fain.

Golson.	Nicholson.
Good.	Parkhouse.
Goodman.	Pavlica.
Hicks.	Pope.
Hill.	Ramsey.
Hoskins.	Ray.
Hughes.	Reed of Dallas.
Hunter.	Rollins.
Hyder.	Savage.
James.	Smith.
Jefferson.	Stinson.
Johnson	Stovall.
of Anderson.	Stubbeman.
Kayton.	Townsend.
Kyle of Palo Pinto.	Van Zandt.
Latham.	Walker.
Lindsey.	Weinert.
Lotief.	Wood.
Magee.	Young.
Munson.	

Absent

Canon.	Holloway.
Dunlap.	Mathis.
Engelhard.	McKee.
Graves.	Metcalf.
Griffith.	Ratliff.
Harman.	Scott.
Hodges.	Thomas.

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Hester.	Russell.

Mr. Alsup moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Barron offered the following amendment to the committee amendment:

Amend Paragraph B (a) on page 3 of House Bill No. 37 by inserting the word "located" after the word "telephones" in line 5, and by inserting the words "in said city" after the word "same" in line 9, and by striking out the words "this State" in line 14 and line 17 and line 32 and lines 34 and 35, and insert in lieu thereof the words "such city," and by inserting after the word "same" in line 28 the words "in said city."

BARRON,
STINSON.

Question—Shall the amendment by Mr. Barron be adopted?

ADJOURNMENT

(Mr. Young in the Chair.)

Mr. Daniel moved that the House

adjourn until 10 o'clock a. m., tomorrow.

Mr. Fain moved that the House recess to 7:30 o'clock p. m., today.

Mr. Turlington moved that the House recess to 10 o'clock a. m., tomorrow.

Question first recurring on the motion of Mr. Daniel, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—67

Alexander.	Kyle of Hays.
Alsup.	Long.
Beck.	Lotief.
Bergman.	Mackay.
Bourne.	Mathis.
Bradley.	McCullough.
Burns.	Merritt.
Butler.	Moffett.
Clayton.	Morse.
Colson.	Nicholson.
Cowley.	Patterson.
Crossley.	Puryear.
Daniel.	Ramsey.
Devall.	Reed of Bowie.
Dunagan.	Renfro.
Dwyer.	Riddle.
Engelhard.	Roberts.
Fisher.	Rogers of Hunt.
Ford.	Rogers
Glass.	of Ochiltree.
Golson.	Shannon.
Greathouse.	Shults.
Harris.	Stanfield.
Harrison.	Steward.
Hicks.	Stubbeman.
Hill.	Tarwater.
Hodges.	Tennyson.
Holekamp.	Tillery.
Holland.	Van Zandt.
Hunt.	Vaughan.
Hunter.	Wagstaff.
Jackson.	Walker.
Jefferson.	Winningham.
Johnson	Wood.
of Anderson.	

Nays—61

Aikin.	Duvall.
Atchison.	Fain.
Baker.	Fuchs.
Barrett.	Good.
Barron.	Goodman.
Calvert.	Hankamer.
Camp.	Hartzog.
Canon.	Head.
Cathey.	Hoskins.
Chastain.	Huddleston.
Coombes.	Hughes.
Davidson.	Hyder.
Dean.	James.
Dunlap.	Jones of Atascosa.

Jones of Runnels.	Pavlica.
Jones of Shelby.	Ray.
Kayton.	Reader.
Kyle of Palo Pinto.	Reed of Dallas.
Laird.	Roark.
Latham.	Rollins.
Lemens.	Savage.
Leonard.	Scarborough.
Lindsey.	Smith.
Magee.	Stinson.
McKee.	Stovall.
Mitcham.	Thomas.
Moore.	Townsend.
Morrison.	Turlington.
Munson.	Weinert.
Palmer.	Wells.
Parkhouse.	

Absent

Anderson.	McGregor.
Celaya.	Metcalfe.
Graves.	Pope.
Griffith.	Ratliff.
Harman.	Scott.
Holloway.	Young.
Lange.	

Absent—Excused

Adamson.	Johnson
Bedford.	of Dimmit.
Caven.	McDougald.
Hester.	Russell.

The House, accordingly, at 5 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Counties: House Bills Nos. 76 and 77.

State Affairs: House Bill No. 61.

Appropriations: Senate Bill No. 14.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, November 5, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 55, A bill to be entitled "An Act empowering counties through their commissioners courts to provide for annual exhibits of horticultural and agricultural products, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, in-

cluding the erection of the necessary buildings and other improvements; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,

Austin, Texas, November 5, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 67, A bill to be entitled "An Act authorizing cities and towns having a population of not more than twenty-eight thousand (28,000) inhabitants nor less than twenty-seven thousand (27,000) inhabitants, as shown by the next preceding Federal Census, to build, construct, enlarge, encumber or purchase municipal boathouses, and boat piling protections, and wharfs, docks, walks, ways, walls, bulkheads and fills in connection with and in aid of the use of such boathouses and boat piling protections; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,

Austin, Texas, November 5, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 43, A bill to be entitled "An Act making appropriation for the enforcement of the Boxing and Wrestling Law during the fiscal year ending September 1, 1935, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, November 6, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 75, A bill to be entitled "An Act to amend Article 880, of the Penal Code of 1925, by providing that Brazoria County be added to the list of counties excepted from the provisions of said article, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, November 6, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 41, A bill to be entitled "An Act amending Senate Bill No. 22, Chapter 69, page 164, Acts of the Second Called Session of the Forty-third Legislature, by providing that a new section to be added to be known as Section 10-a; amending Section 14 of said Senate Bill No. 22; and further providing that the Texas Centennial Commission may contract or agree with any private parties, association, or corporation for the financing of such Texas Centennial, for profit; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, November 6, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 70, A bill to be entitled "An Act to amend Chapter 13 of Title 49, Revised Civil Statutes of 1925, by adding thereto an additional article to be known as Article 2790-d, authorizing independent school districts located partly in three or more counties of this State to issue refunding warrants in lieu of and in extension of eligible vouchers; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, November 6, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 15, A bill to be entitled "An Act to make it unlawful to take or catch in any manner from any of the public waters, rivers, creeks, or lakes in Gonzales County, any bass, crappie, white perch, calico bass or brem, or to have in his possession or retain in any way any bass, crappie, white perch, calico bass, or brem caught or taken from such waters during certain months; and fixing a

penalty for violation of this Act,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, November 6, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 74, A bill to be entitled "An Act repealing Senate Bill No. 61, Chapter 14, Acts of the Regular Session of the Forty-first Legislature, providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, November 7, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 42, A bill to be entitled "An Act making appropriation out of any moneys appropriated to pay for record cases, equipment and furnishings for the Record Bureau to be purchased by the State Board of Control, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,

Austin, Texas, November 7, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 73, A bill to be entitled "An Act providing for an open season for taking pelts of fur-bearing animals in Tom Green, Irion, Sterling, and Reagan Counties, shall be during the months of December, January, and February of each year, excepting muskrats, the open season for which shall be from the first day of November to first day of April, both days inclusive, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

In Memory of Hon. R. M. Hubbard

Mr. Reed of Bowie offered the following resolution:

Whereas, A distinguished statesman and immortal Democrat marched year by year and each year characterized by fruitfulness of public service and the benevolence of brotherly love; and

Whereas, This distinguished and incomparable citizen served the State as a member of the Highway Commission for seven years and as a Member of the Texas Legislature during the Forty-first and Forty-second Sessions with honor and distinction, with a nobleness of purpose and untiring activity for the benefit and common welfare of the people during the Forty-first and Forty-second Sessions of the Texas Legislature; and

Whereas, On the sixth day of November, 1934, the Hon. R. M. Hubbard departed this life and passed to the great beyond, and we recognize that God has called one of His noblemen, whose unselfish and untiring efforts and labors for his people in public and private life service, impels us to pay our silent admiration, respect and tribute to one of the noble sons of Texas; now, therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature, That we express our most sincere and deepest sympathy to his family and friends; that a copy of this resolution be spread on the Journal of the House; that a copy be furnished the family of the deceased, and that when we adjourn today it be in his memory.

REED of Bowie,
BECK,
CROSSLEY,
FORD,
MOFFETT,

KAYTON,
VAUGHAN,
ALSUP,
METCALFE,
WAGSTAFF.

The resolution was read second time.

On motion of Mr. Aikin, the names of all the Members of the House were added to the resolution as signers thereof.

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Anderson, Atchison, Baker, Barrett, Barron, Bedford, Bergman, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Fisher, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kyle of Palo Pinto, Kyle of Hays, Laird, Lange, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McCullough, McDougald, McGregor, McKee, Merritt, Mitcham, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Dallas, Renfro, Riddle, Roark, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Stubbeman, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Walker, Weinert, Wells, Winningham, Wood, Young.

The resolution was then adopted by a rising vote.